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14 *Attorneys for the Consolidated Nevada Plaintiff and the Putative Class*  
[Additional counsel are listed on the signature page.]

15  
16 UNITED STATES DISTRICT COURT  
17 DISTRICT OF NEVADA

18 IN RE ZAPPOS.COM INC., CUSTOMER )  
19 DATA SECURITY BREACH )  
LITIGATION )  
----- ) No. 3:12-cv-325- RCJ-VPC  
----- ) MDL No. 2357  
21 )  
THIS DOCUMENT RELATES TO: )  
22 )  
ALL ACTIONS ) (Class Action)  
----- )  
24 )

25 **REPLY IN SUPPORT OF NEVADA PLAINTIFFS'**  
26 **REQUEST FOR A REASONABLE BRIEFING EXTENSION**

1 Plaintiffs Stephanie Priera, Patti Hasner, Sylvia St. Lawrence, Josh Richards, Zetha  
 2 Nobles, Patricia Gallatin, Dahlia Habashy, Robert Ree, Shari Simon, and Kathryn Vorhoff  
 3 (collectively, “Nevada Plaintiffs” or “Plaintiffs”)<sup>1</sup> reply in support of their request an  
 4 extension of time to respond to Defendant Zappos.com’s (“Defendant” or Zappos”)  
 5 Motion to Dismiss Complaints (Docket Entry No. 69).

6 Zappos’ Opposition to the instant motion requests that all plaintiffs’ oppositions be  
 7 extended to February 14, 2012, with Zappos’ reply due on March 8, 2012. (Docket Entry  
 8 No. 71 at 2). Nevada Plaintiffs do not object to this briefing schedule, which is reasonable  
 9 in light of Zappos’ 48 page motion to dismiss and is consistent with parties’ history of  
 10 agreeing to reasonable extensions for briefing-related issues.

11 However, Zappos seeks to use these reasonable briefing extensions as an excuse to  
 12 extend the deadlines (a) for the production of initial disclosures and (b) for the parties to  
 13 establish a protocol for the handling of electronically stored information (“ESI”). (*Id.* at  
 14 5). Zappos’ proposed discovery-related extensions are not tied to any stated difficulties  
 15 with meeting the current discovery-relate deadlines. Zappos offers no explanation as to  
 16 why an extension for plaintiffs’ time to oppose a motion to dismiss would necessitate a  
 17 corresponding extension on these discovery-related issues. If anything, the briefing  
 18 extensions will provide additional time that should make it easier for the parties to timely  
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 24<sup>1</sup> This motion is filed on behalf of Plaintiffs in the following original cases, all of which are  
 25 incorporated into Plaintiffs’ Amended Complaint (Docket Entry No. 59): This counsel  
 26 group represent Plaintiffs in the following cases: *Habashy v. Amazon.com* (“Amazon”), 3:12-  
 27 cv-00338-RCJ-VPC, *Nobles v. Amazon*, 3:12-cv-00392-RCJ-VPC, *Priera v. Amazon*, 3:12-cv-  
 28 00325-RCJ-VPC, *Priera v. Amazon*, 2:12-cv-00182-RCJ-VCF, *Ree v. Amazon*, 3:12-cv-00072-  
 RCJ-WGC, *Richards v. Amazon*, 3:12-cv-00337-RCJ-VPC, *Simon v. Amazon*, 2:12-cv-00232-  
 RCJ-VCF, Case No. 3:12-cv-0032, and *St. Lawrence v. Zappos*, 3:12-cv-00355-RCJ-VPC. It  
 is not filed on behalf of the plaintiffs in the four cases that filed a separate Amended  
 Complaint (Docket Entry No. 58).

1 produce initial disclosures and agree on an ESI protocol. Accordingly, the Nevada  
2 Plaintiffs oppose Zappos' request for an extension of the discovery deadlines.

3 **CONCLUSION**

4 For all the foregoing reasons, the Nevada Plaintiffs respectfully request that the Court  
5 extend Plaintiffs' time to respond to Defendant's Motion to Dismiss until February 14, 2013.  
6

7 Dated: January 7, 2013

By: /s/ David C. O'Mara

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3           **CERTIFICATE OF SERVICE**

4       This is to certify that on January 7, 2013, I caused to be electronically filed the  
5 foregoing with the Clerk of Court using ECF. Accordingly, I also certify that the  
6 foregoing are being served this day on counsel of record via transmission of Notices of  
7 Electronic Filing generated by CM/ECF.

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10      */s/ Adrian M. Weis* \_\_\_\_\_

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